

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

DONALD WALKER, JR.,

*Plaintiff,*

vs.

ATTORNEY TIM NOLAN, *et al.*,

*Defendants.*

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Case No. 1:24-cv-180

Judge Jeffery P. Hopkins

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

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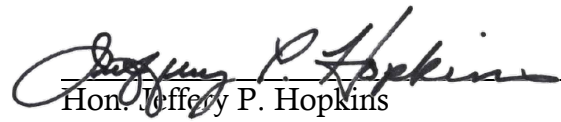
This matter is before the Court on the Report and Recommendation (Doc. 19) issued by Magistrate Judge Stephanie K. Bowman on September 30, 2024. The Magistrate Judge recommends that this case be dismissed for lack of subject matter jurisdiction. Alternatively, the Magistrate Judge recommends that this Court grant the Motion to Dismiss (Doc. 15) filed by Defendant U.S. Bank National Association, dismiss Plaintiff's claims against Defendant Austin Decker for failure to perfect service, and dismiss Plaintiff's claims against Defendants Leon Hewitt and Tim Nolan under *Apple v. Glenn*, 185 F.3d 477 (6th Cir. 1999). No objections have been filed and the time for filing such objections under Fed. R. Civ. P. 72(b) has expired.

Having carefully reviewed the comprehensive findings and conclusions of the Magistrate Judge and finding no clear error, the Court hereby **ADOPTS** the Report and Recommendation in its entirety. *See* Fed. R. Civ. P. 72 (advisory committee notes) ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the fact of the record in order to accept the recommendation"); *see e.g., Roane v. Warden of Corr. Reception Ctr.*, No. 2:22-cv-2768, 2022 WL 16535903, at \*1 (S.D. Ohio Oct. 28, 2022).

Accordingly, the Court hereby **DISMISSES** this case without prejudice for lack of subject matter jurisdiction. *Apple*, 183 F.3d at 479 (“[A] district court may, at any time, sua sponte dismiss a complaint for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure when the allegations of a complaint are totally implausible, attenuated, unsubstantial, frivolous, devoid of merit, or no longer open to discussion.”).

**IT IS SO ORDERED.**

Dated: November 8, 2024

  
Hon. Jeffrey P. Hopkins  
United States District Judge